

THE SUPREME COURT OF ARIZONA

ADMINISTRATIVE REQUIREMENTS FOR
PUBLIC DEFENDER TRAINING FUND

FILED

JAN 27 1992

NOEL K. DESSAINT
CLERK SUPREME COURT
BY *[Signature]*

ADMINISTRATIVE ORDER NO. 92-4

In order to administer funds allocated to the County Public Defender Training Fund, pursuant to A.R.S. § 12-117 (A), and in accordance with A.R.S. § 12-117 (D), which requires that monies received shall be used exclusively for the purpose of county public defender training,

IT IS ORDERED THAT:

1. The attached Administrative Requirements governing the administration of the Public Defender Training Fund (PDTF) replace and supersede Administrative Order No. 90-2, and are adopted;
2. The attached Administrative Requirements shall become effective on the 27th day of January, 1992, as set forth herein; and,
3. A copy of the Administrative Requirements shall be distributed to the presiding judges of the Superior Court in all counties, the chairmen of the board of supervisors in all counties and the duly appointed county public defenders and duly appointed alternate defenders in each county where such offices have been created in accordance with A.R.S. § 11-581, et seq., no later than seven days after the effective date of this order.

DATED AND ENTERED this 27th day of January, 1992, at the State Courts Building in Phoenix, Arizona.

For the Court:

STANLEY G. FELDMAN
Chief Justice

THE SUPREME COURT OF ARIZONA

ADMINISTRATIVE REQUIREMENTS FOR
PUBLIC DEFENDER TRAINING FUND (PDTF)

ADMINISTRATIVE ORDER NO. 92-4

EFFECTIVE JANUARY 27, 1992

I. Purpose

The Public Defender Training Fund (PDTF) provides monies for the purpose of County Public Defender training. Training offered or attended in connection with this Fund shall be directly related to criminal law practice and the duties prescribed to the Office of Public Defender by A.R.S. § 11-581, et seq. Relevant training in the general practice of law must enhance the recipient's ability to perform his or her specific responsibilities as an agent of the public defender or a deputy public defender.

II. Authority

The Public Defender Training Fund (PDTF) was enacted by statute in Chapter 297, Thirty-Ninth Legislature, First Regular Session 1989 and is provided for in A.R.S. § 12-117, as amended.

III. Eligible Recipients

Monies allocated to the PDTF, pursuant to A.R.S. § 12-117 (A) are for the exclusive use of "each County Public Defender's Office." In accordance with this provision and the language in Title 11, Article 11 of the Arizona Revised Statutes, specifically A.R.S. § 11-581 et seq., only those offices created and appointed pursuant to statute as Office of the Public Defender, or where a second office has been established for conflict cases, are eligible for funds. Contract public defenders, court-appointed counsel or other defense counsel not appointed under the provisions of Article 11 are ineligible for funds.

IV. AOC Administrative Responsibility

Paragraph (A) of A.R.S. § 12-117 states that the Supreme Court shall administer the fund (PDTF). The Supreme Court is responsible to continuously allocate and distribute monies to each public defender and to review annual reports from each Public Defenders Office of all financial receipts and expenditures from the training fund.

The Administrative Office of the Courts (AOC) shall have administrative responsibility of the PDTF for the Supreme Court. An administrative budget shall be established from PDTF deposits as outlined in paragraph VI and used to support the program. Further, the Administrative Office of the Courts is authorized to inspect, audit or have audited records of any Office of the Public Defender receiving program funds and the Administrative Office of the Courts may adopt other administrative practices and procedures, as necessary and expedient for the Supreme Court's administration of the PDTF.

V. Fund Allocation, Distribution, and Accounting

Allocation of monies collected shall be made to each County Public Defender Office in proportion to the number of felony cases assigned to that office in the preceding fiscal year. The figure shall represent all initial felony cases in which the Public Defender's Office is appointed and shall not include juvenile cases, appeals, probation revocations, mental health cases, etc. Pro-ration shall be applied to annualized cases assigned for any office of the public defender operating for a period less than the preceding full fiscal year and the proportional formula shall be updated and revised annually.

Funds disbursed to individual county public defender offices shall be made quarterly in accordance with written agreements. Funds received pursuant to these administrative requirements shall be deposited into a special revenue fund with the county treasurer established pursuant to the procedures provided for in Section VI, C, 2.5 of the Auditor General's Uniform Accounting Manual for Arizona Counties. Interest on these funds shall be credited to this fund.

VI. Fund Usage

Funds received pursuant to A.R.S. § 12-117 shall be used exclusively for county public defender training. PDTF

monies shall be expended only at the express written direction and approval of the respective Public Defender for training. All receiving, accounting, disbursement, and expenditures of program funds shall be in compliance with county financial practices. Further, all established county policies relating to travel, per diem or other compensation or reimbursement standards shall apply to these funds.

The Administrative Director is authorized to allocate and spend up to ten percent (10%) of each monthly deposit, not to exceed \$40,000 annually to cover the costs of fund administration. Administrative costs may include, but are not limited to, full or part-time staff, operating expenses, publication of an annual report, equipment, training, and travel. PDTF monies may also be used to conduct authorized evaluations and audits.

VII. Training Definitions

All training supported by these funds must be directly related to the practice of criminal law or the enhancement of staff's ability to perform their roles and responsibilities as agents of the Public Defender. Nationally recognized training on specialty areas of law or activities relevant to more effective representation, i.e., evidentiary matters, forensic specialists, etc. are appropriate areas for fund use.

The following list of activities is not exhaustive, however, sets forth parameters for public defender training and related activities. Any time an exception is made to exceed any of the following dollar amount limits, the public defender shall file a written notice of exception with the Administrative Office of the Courts within a reasonable time following the exceptional circumstance being identified:

A.) Seminars and Conference Attendance:

1. Is limited to the 48 contiguous states.
2. Shall not exceed \$2,500 per person, per event including all registration fees, travel, per diem, and direct expenses per attendee.
3. Shall not exceed \$3,500 per person per annual fiscal year.
4. Shall include authorization for travel and attendance by the public defender and designated county official.

5. Shall be specifically related to the duties of the Public Defender.

B.) Sponsoring and Hosting Seminars and Conferences

1. Attendance at locally sponsored training conferences should be at no cost for public defender staff. Prosecutors and judges may attend without cost if a reciprocal training agreement is made for training that is or will be available. Private attorneys and other interested persons shall be required to pay a reasonable, but no less than a proportionate cost for attendance at PDTF seminars and training events.
2. May include reasonable costs for accommodations, break refreshments, meeting space, and facilities and materials per contractual agreement.
3. Shall not exceed \$4,000 in total costs per event for local seminar or conference.
4. Shall not exceed payments or honorariums of \$250 for local speakers or \$1,200 for out-of-state speakers, including expenses.
5. Shall not include any non-training costs including social hours, hosted parties or entertainment expenses.

C.) Eligibility of Staff:

1. Funds shall predominately be used for public defenders attorney training, however funds may also be used for training of investigators, support staff, and other office personnel when the training is relevant to the responsibilities of the Office of the Public Defender and enhances a recipient's ability to more effectively fulfill their responsibilities.
2. Salaries and related expenses may be expended for training personnel and support personnel if the role and duties of said personnel directly relate to the coordination of training activities in furtherance of the purpose of the PDTF.

D.) Excluded Activities

Funds may not be used for general or advanced academic educational pursuits, including general college

tuition, conferences or seminars not related to the duties of the Office of the Public Defender, professional dues or any non-training event.

VIII. Non-Training/Support Issues (Equipment/Supplies)

A.) Funds shall be used solely for equipment and/or supplies that are required to support specific training supported by these funds.

B.) The following are equipment/supply items that may not be purchased or procured utilizing these funds:

1. Standard office equipment not directly related to staff training.
2. Vehicles.
3. Office automation and other computer equipment not related to training.
4. General legal library materials to include statutes, reporters, digests, treatises, handbooks, court rules, legal encyclopedias, and other substantive law or reference sources not directly related to education or training.

IX. Reporting Requirements and Auditing

No later than August 15 of each year, every office of the public defender who has received funds during the preceding fiscal year shall file a report on forms provided by the AOC listing the training activities resulting from expenditure of the PDTF monies. Further, the report shall include documentation of all financial receipts and expenditures from the training fund as required by law.

The Administrative Office of the Courts may establish and require additional reporting requirements necessary to insure the effective administration of funds and as may be required to collect data necessary to support the reporting requirements that may be required by the legislature or other lawfully empowered entities. Further, the Administrative Director may require information necessary to fulfill the role of administrator of the fund and to insure its integrity. All records and receipts for revenues and expenditures shall be retained for a period of 5 years following the end of the fiscal year to which the records and receipts pertain.

The Administrative Office of the Courts is authorized to audit and inspect any records relating to the fund in a reasonable manner to insure the accuracy of records and compliance with these regulations, the law and provisions of funding agreements. Non-compliance may be deemed grounds for the Administrative Director to require revision in practices to achieve compliance and to withhold future PDTF allocations pending compliance.

X. Supplemental Training Sponsorship Requirements

Each County Public Defender's Office, Legal Defender's Office and Alternate Defender's Office receiving training fund monies shall sponsor or co-sponsor relevant, regional training seminars that are open and available at a nominally proportional fee to all appointed criminal counsel in Arizona on a regional format as described herein: As a condition of expenditure of PDTF monies received, six (6) formal training seminars shall be sponsored and presented annually by fund recipients and made available at a nominally proportional fee to all contract or court-appointed indigent defense counsel. Further:

1. At least four of these seminars will be sponsored by the Maricopa County Public Defender's Office and other recipients as may be designated by the Administrative Director of the Courts.
2. At least one such seminar will be sponsored by the combined resources of the Cochise County Public Defender, Cochise County Legal Defender, Pinal County Public Defender, Pima County Public Defender and Pima County Legal Defender, and other recipients as may be designated by the Administrative Director of the Courts as a southern region offering.
3. At least one such seminar will be sponsored by the combined resources of the Coconino County Public Defender, La Paz County Public Defender, Mohave County Public Defender, Mohave County Legal Defender, Navajo County Public Defender, and Navajo County Alternate Defender, and other recipients as may be designated by the Administrative Director of the Courts as a northern region offering.
4. Each of these seminars will be expressly related to defense techniques or generic to the issues involved in criminal defense practices.

5. Seminars or conferences will be sponsored pursuant to Regulation 104, Regulations for Mandatory Continuing Legal Education, as adopted by the Board of Governors of the State Bar of Arizona.

In addition to the above, each public defender and alternative defender receiving training fund monies will endeavor, where possible, to make available other relevant training and extend an invitation to attend to appointed counsel, where reasonably feasible. Approved for Implementation by Administrative Order.

For the Court:

STANLEY S. FELDMAN
Chief Justice